



Attorney General
Betty D. Montgomery

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November 12, 1998

Via Overnight Mail NOV 13 1998

FCC MAIL ROOM
Commissioner
Magalie Roman Salas
Federal Communications Commission
1919 M Street N.W.
Room 222
Washington, DC 20554

Re: *In the Matter of Truth in Billing and Billing
Format, CC Docket 98-170.*

Dear Ms. Salas:

Enclosed please find five copies of the above referenced comments from the Public Utilities Commission of Ohio. Please return one time-stamped copy in the enclosed self addressed return envelope.

Thank you for your assistance in this matter.

Respectfully submitted,

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JJB/kja
Enclosure

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FCC MAIL ROOM

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of
Truth-in-Billing

and

Billing Format

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CC Docket No. 98-170

**INITIAL COMMENTS OF
THE PUBLIC UTILITIES COMMISSION OF OHIO**

INTRODUCTION AND BACKGROUND

On September 17, 1998, the Federal Communications Commission (FCC) released a Notice of Proposed Rulemaking (NPRM) in CC Docket No. 98-170 (In the Matter of Truth-in-Billing and Billing Format). In its NPRM, the FCC invites comment on how to ensure that customers receive thorough, accurate, and understandable bills from their telecommunications carriers. Consequently, the FCC proposes billing requirements that it believes will help make telephone bills friendlier by providing customers with information needed to make informed decisions in a competitive market place and to protect themselves against unscrupulous practices. Initial comments are due at the FCC on November 13, 1998.

The FCC notes that customers' confusion over telephone bills has contributed to the growth of slamming and cramming practices. To ensure that customers are provided with adequate information, the FCC's NPRM requests comments on three proposed guidelines: (1) telephone bills should be clearly organized and highlight any

new charges or changes to customers' services; (2) telephone bills should contain full and non-misleading descriptions of all charges and clear identification of the service provider responsible for each charge, and (3) telephone bills should contain clear and conspicuous disclosure of any information customers need to make inquiries about charges.

The Public Utilities Commission of Ohio (PUCO or Ohio Commission) hereby submits its initial comments in response to the FCC's September 19, 1998, NPRM in CC 98-170. The PUCO commends the FCC for opening this "*Truth-in-Billing*" dialogue. The PUCO recognizes, as has the FCC and the National Association of Regulatory Utilities Commissions (NARUC), that consumers are having great difficulty in understanding their bills. Telephone bills are more complicated and detailed than in the past, which has enabled more fraudulent and deceptive charges to go unnoticed by consumers. In the last 12 months, the PUCO has received over 8,000 consumer complaints related to slamming, cramming, and pay-per-call services. The PUCO is currently involved in efforts with two other state agencies, the Ohio Consumers' Counsel (OCC), and the Office of the Ohio Attorney General (OAG) in efforts to combat billing abuses. These efforts include the issuance of a "consumer alert" and brochure on cramming as well as sponsoring a cramming roundtable and efforts targeting potential prosecution of fraudulent information providers.

DISCUSSION

The FCC maintains that fairness in billing mandates that bills be both intelligible and legitimate. The FCC, therefore, seeks comment on its proposal that telephone bills contain consumer inquiry and complaint information, including toll-free telephone numbers for the receipt of questions and complaints. NPRM at 10.

The PUCO fully supports the notion that bills be both intelligible and legitimate. In order to facilitate the legibility and accuracy of consumer bills, we recommend the FCC consider several rules regarding the format of bills for telecommunication services. The PUCO has taken steps in the past to ensure greater fairness and accuracy on consumers' telephone bills. In revising Ohio's Minimum Telephone Service Standards (MTSS) in 1997, the Ohio Commission established Rules 4901:1-5-16 and 4901:1-5-19, informational requirements which more fully inform consumers as to charges on their bills, particularly relating to charges for non-regulated and toll service (see attached). However, with the advent of the problems related to cramming, the PUCO supports additional steps recommended by the FCC to improve the organization of the bill by, for example, requiring additional information for education and complaint resolution.

Legal Authority

The FCC seeks comment on whether it has jurisdiction to adopt each of the proposals in its NPRM and ask commenters to address the jurisdictional basis of any additional proposals raised on the record of this proceeding. In particular, the FCC seeks comment on how its jurisdiction should complement that of the states and other agencies. The FCC recognizes that many states and their public utility commissions have in place (or are considering) requirements designed to protect their consumers

from abuses associated with questionable billing practices. The FCC observes that the proposals set forth in its NPRM are a starting point for what it hopes will be an open exchange with the states, federal agencies, consumer advocacy groups, and industry members on how best to provide consumers with information necessary to allow them to obtain the benefits of an increasingly competitive telecommunications marketplace. NPRM at 13 and 14.

The PUCO notes that, throughout its NPRM, the FCC maintains that one of the primary goals of the Telecommunications Act of the 1996 (1996 Act) was to make available to consumers new services and technologies by promoting the development of competition in all aspects of telecommunications services. Along with the proliferation of telecommunications services and providers, the FCC finds that there is a need to revamp telephone bills into a more user-friendly format. While making phone bills more understandable is a desirable concept, the FCC must be careful to not exceed its jurisdiction. As the stated target of these rules is the relationship between carriers and their end use customer, this relationship may often involve strictly intrastate matters. In enacting the 1996 Act, Congress affirmatively chose not to amend 47 U.S.C. § 152(b), which expressly limits the FCC's jurisdiction to interstate telecommunication issues and expressly reserves intrastate jurisdiction to the states.

With the enormous growth in various the telecommunications markets, billing has become another area of great complexity and confusion. Ohio supports an effort to make bills more understandable and does not argue that the FCC has jurisdiction over interstate telecommunications aspects; however, the Ohio Commission has jurisdiction over its telecommunications intrastate matters. Because of the many different billing arrangements, local exchange carriers (LECs) often bill consumers for inter and

intrastate phone calls on the same bill. It is important that states maintain control over the billing format of the entire bill issued by the phone companies operating in Ohio. The Ohio Commission has already done a substantial amount of work creating rules that govern billing, as is discussed throughout these comments.

A workable solution that would allow the FCC to implement rules on an interstate basis, yet preserve the substantial work done by Ohio and many other states, would be to establish these billing rules as mandates for carriers subject to FCC jurisdiction, yet allow them to serve as guidelines for the states. These guidelines could serve as a voluntary model that could be used by states adopting rules that govern billing. Each state would control the formatting for bills issued to customers within the state. This method would preserve, rather than undermine, the progress made by states in attacking this billing problem. This approach would recognize that there are local issues that have a direct bearing on telecommunications' billing.

States have individual needs and struggle with varying demographic and regulatory conditions. The idea of having a uniform national policy on telephone bills is appealing for the sake of simplicity; however, it is flawed because it is *too* simplistic. Although the 1996 Act establishes broad parameters and uniform goals for the nation to achieve, this NPRM seeks to implement them in a way that would diminish the regulatory role preserved for the states by Congress. Again, the substance of these proposed rules appeals to the Ohio Commission because it will increase consumer awareness and obligate carriers to comply; however, these rules should not reach into the regulatory jurisdiction of each state. Ohio has established rules regarding billing and will certainly consider the FCC's rules in an effort to create uniformity in consumers' bills.

Organization of the Bill

The FCC notes that one manner in which telephone bills may be better organized is to present separate categories of services (such as charges for local, long distance, and miscellaneous services) in clearly separate sections within the telephone phone bill, and, if possible, on separate pages. The FCC seeks comment on whether the visual separation of different services would enhance a consumer's ability to distinguish among different services, service providers, and charges and allow consumers to determine quickly whether their bills contain any charges for services that have not been ordered or authorized, thereby deterring slamming and cramming. The FCC also recognizes that separating categories of services may become less meaningful as the distinctions between these categories evolve and blur over time, especially as providers begin to offer multiple services (*e.g.*, local exchange companies offering interstate interexchange service). Consequently, the FCC seeks comment on whether bills should be organized by provider with a description of the services furnished by each provider. The FCC also seeks comment on whether its proposals for segregation of charges for different services would serve a similar purpose in telephone bills generally. NPRM at 17.

The PUCO supports the FCC's proposal that would require bills to be organized by provider, or billing aggregator, with a clear description of the services billed by each provider. Furthermore, the PUCO supports the segregation of non-regulated services and products from regulated services on a telephone customer's bill. The PUCO recognizes that the FCC has already required similar segregation of services and providers in the context of its pay-per-call rules that enacted the Telephone Disclosure and Dispute Resolution Act (TDDRA). It is crucial that a consumer understand which

services and products he/she is being charged for and the impact that non-payment of such charges may have on his or her regulated local or toll service. The consumer is also entitled to know which entity he or she must contact to dispute such charges. The FCC's proposals for segregation on the bill are a step in that direction.

The FCC also seeks comment on whether telephone bills should provide consumers with clear and conspicuous notification of any changes or new charges in their telephone bills. Specifically, the FCC seeks comment on the benefits of having each telephone bill to include, near the front of the bill, a separate page or section that highlights any changes in the consumer's service status information or new charges since the consumer's last bill. The FCC indicates that this "Status Changes" page could include information on: changes in presubscribed carriers; any new service providers for whom charges are being billed for the first time or whose charges did not appear on the last telephone bill; changes in any carrier or presubscribed interexchange carrier (PIC) freeze status or blocking mechanism status; and explanations of any new types of line item charges appearing on the bill for the first time. The FCC also seeks comment on whether to require carriers to provide clear and conspicuous notification of any activity in a telephone bill that was not present in the last bill, including new charges and other changes, would help consumers defend themselves against cramming, slamming, and other types of fraud. NPRM at 19.

The PUCO supports the FCC's recommendation that a separate page or section of the phone bill be reserved to reflect any changes in the consumer's service status or new charges added since the consumer's last bill. The PUCO supports all four of the FCC proposed components of the "Status Changes" identified above. Adopting the criteria as proposed would assist in ensuring that consumers are fully aware of the

charges they are being assessed.

Descriptions of Services and Identification of Providers

The FCC proposes that the name of the service provider be clearly and conspicuously identified in association with that entity's charges. The FCC further proposes that the name of the service provider itself must be included, and that listing the name of the billing aggregator or clearinghouse alone will not be sufficient, even if the aggregator or clearinghouse has full legal responsibility for the charges. Moreover, the FCC proposes that, in the case of an entity reselling the service of a facilities-based carrier, the name of the reseller must appear on the telephone bill. The FCC seeks comment on whether these proposals would help consumers determine the actual identity of the carrier that is providing service and also enable them to detect quickly if they have been slammed by another carrier. NPRM at 23.

The PUCO fully supports the FCC's proposal that the name of the provider itself be included on the bill, along with a listing of the name of billing aggregator or clearinghouse. In addition, the Ohio Commission endorses the FCC's proposal that the toll-free number and address of the billing aggregator or clearinghouse be provided on the appropriate section of the bill. The Ohio Commission also recommends the adoption of the FCC's proposal that, in the case of an entity reselling the service of a facilities-based carrier, the name of the reseller must appear on the telephone bill. Often, a consumer who is presubscribed to a facilities-based carrier is subsequently slammed by a reseller of the same facilities-based carrier. Requiring the name, address, and toll-free number of the reseller is important for the consumer in ascertaining which carrier is providing his/her service.

The FCC invites comment on whether telephone bills should differentiate between "deniable" and "non-deniable" charges. Deniable charges are those charges that, if unpaid, could result in the termination of local exchange or long distance telephone service. Non-deniable charges are those charges for which basic communications services would not be terminated for non-payment. The FCC seeks comment on methods for differentiating between deniable and non-deniable charges, such as including a prominent disclosure at the top of the page or section stating that non-payment of certain charges would not result in the termination of the customer's local exchange or long distance service. The FCC seeks comment on whether the expansion of this requirement to all charges for which service may not be terminated for non-payment would enable consumers to make more informed choices about the use of services and the payment of charges. The FCC also seeks comment on whether giving the consumer this type of information in the bill itself would discourage unscrupulous service providers from contacting the consumer directly to misinform the consumer as to the consequences of non-payment. NPRM at 24.

The PUCO supports the differentiation of "deniable" and "non-deniable" charges on the telephone bill. The PUCO is concerned, as is the FCC, that many consumers pay charges that they did not authorize solely because they erroneously perceive a risk of having their service disconnected. The PUCO fully supports the requirement of a disclosure at the top of the appropriate section of the telephone bill, that non-payment of certain charges would not result in the termination of the customer's basic local or long distance service. The FCC properly notes that such a disclosure is already required by the Federal pay-per-call rules relating to the non-payment of charges for information services. The PUCO has a long-standing policy of

prohibiting termination of regulated services for non-payment of charges associated with non-regulated services. Furthermore, the PUCO established in a recent proceeding that non-payment of toll charges could not result in termination of basic local service (Case Number 95-790-TP-COI, *In the Matter of the Commission Investigation into the Disconnection of Local Telephone Service for the Nonpayment of Charges Associated with Telephone Services Other Than Local Telephone Service*). The PUCO subsequently amended certain notice provisions pertaining to customer bills and notices of disconnection to highlight the customer's rights and responsibilities relative to non-payment of non-deniable charges. Moreover, MTSS Rule 4901:1-5-19 (attached) requires that a disconnection of service notice contain a separate line item denoting the total amount required to be paid to avoid service termination of local service and the total amount due to avoid disconnection of toll service.

The FCC also seeks comment on the practice of certain carriers that impose on each consumer charges that are ascribed to the payment of universal service or access charges. Among related issues, the FCC requests comment on benefits to consumers of identifying presubscribed interexchange carrier charges (PICCs) and universal service charges by a standard name throughout the industry. NPRM at 31.

The PUCO supports a requirement of identifying PICC and universal service charges by a standard name throughout the industry. Such standardization should be required on each bill issued to consumers. The PUCO has received hundreds of complaints from consumers confused as to the origin and rationale for PICC and universal service charges. A one-time, standardized explanation of these charges should also be required for each consumer prior to any charge appearing on the bill.

Provision of Customer Inquiry/ Complaint Information

The FCC submits that each telephone bill should contain all the necessary information to enable a consumer to take action on his or her own behalf to dispute the charges contained in the bill. NPRM at 33.

The PUCO agrees that each telephone bill should contain the necessary information to enable a consumer to take action on his or her own behalf to dispute the charges contained in the bill. The PUCO supports a proposal that would require each telephone bill to include, in addition to the name of each service provider, a business address and toll-free number for the receipt of consumer inquiries and complaints. Among other things, the PUCO's MTSS Rule 4901:1-5-16 (attached) requires that the telephone numbers of the LECs' and interexchange carriers' (IXCs') business offices be provided on each bill to respond to inquiries concerning the bill. Additionally, the PUCO's MTSS Rule 4901:1-5-05 (attached) requires that each LEC and IXC provide, within ten business days, a report on each complaint resolution to the subscriber when the complaint has been made directly to the company, and to the subscriber and the PUCO when the complaint has been referred to the company by the Ohio Commission. In the event the complaint is not resolved within 10 business days, interim updates are required every five business days.

The PUCO maintains that it is equally important that some minimum standard be established for responding to consumer complaints in a timely manner. In Ohio, many consumers complain that they are unable to reach a billing aggregator, clearinghouse, or service provider despite the existence of a toll-free number. The PUCO has set a standard for LEC business office "answer time" in its MTSS Rule 4901:1-5-24 (D)(1)(d), which requires a 1-minute average speed of answer. The PUCO

recommends a reasonable “answer time” standard be promulgated for any aggregator or service provider requiring customers to call its business office as a prerequisite for adjusting a disputed charge. However, a preferred alternative would be for the FCC to enact a requirement for the local telephone company issuing the bill, to remove disputed charges for non-regulated services upon customer request. The FCC has suggested such a practice in its *Anti-Cramming Best Practice Guidelines* issued July 22, 1998. In Section IV (paragraphs A through C), the FCC suggests that rather than referring customers to the service provider, LECs should consider providing customers immediate recourse adjustments if they complain of having been crammed and such charge is non-deniable. Even if the customer calls the service provider (rather than the LEC) with such a cramming complaint, the service provider should instruct the LEC to remove the charge from the customer’s local telephone bill. In both such instances, the charge in question would not reappear on the customer’s local telephone bill, although the service provider might pursue collection by other means.

CONCLUSION

The Ohio Commission wishes to thank the FCC for the opportunity to comment in this investigation.

On behalf of the
Public Utilities Commission

A handwritten signature in black ink, reading "Jodi J. Bair". The signature is fluid and cursive, with the first name "Jodi" and last name "Bair" clearly legible.

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4901:1-5-05 SUBSCRIBER COMPLAINTS AND COMPLAINT-HANDLING PROCEDURES.

- (A) FOR PURPOSES OF THIS RULE, A COMPLAINT IS AN INFORMAL INVESTIGATION CONDUCTED BY THE PUBLIC INTEREST CENTER STAFF OR THE COMPANY AT THE REQUEST OF A CONSUMER OR AS A METHOD FOR STAFF TO DETERMINE THE COMPANY'S COMPLIANCE WITH THIS CHAPTER AND OTHER COMMISSION POLICIES. EACH LEC AND IXC SHALL FULLY AND PROMPTLY INVESTIGATE ALL COMPLAINTS. THE COMPANY SHALL ALSO INFORM THE CONSUMER OF THE AVAILABILITY OF THE COMMISSION'S INFORMAL COMPLAINT-HANDLING PROCEDURES, AND SUPPLY HIM/HER WITH THE THEN-CURRENT ADDRESS AND LOCAL/TOLL-FREE TELEPHONE NUMBERS OF THE COMMISSION'S CONSUMER SERVICES DEPARTMENT. THE COMPANY SHALL ALSO PROVIDE A REPORT OF EACH COMPLAINT'S RESOLUTION WITHIN TEN BUSINESS DAYS OF THE DATE OF RECEIPT OF THE COMPLAINT TO:
- (1) THE SUBSCRIBER, WHEN INVESTIGATING A COMPLAINT MADE DIRECTLY TO THE COMPANY; OR
 - (2) TO THE SUBSCRIBER AND THE COMMISSION, WHEN INVESTIGATING A COMPLAINT REFERRED TO THE COMPANY BY THE COMMISSION.
- (B) THE COMMISSION STAFF MAY REQUEST THE COMPANY TO PROVIDE AN INTERIM REPORT IF CALLED FOR DUE TO THE NATURE OF THE COMPLAINT.
- (C) IF AN INVESTIGATION IS NOT COMPLETED WITHIN TEN BUSINESS DAYS, THE LEC OR IXC SHALL PROVIDE INTERIM REPORTS TO THE SUBSCRIBER, OR TO BOTH THE SUBSCRIBER AND THE COMMISSION, EITHER ORALLY OR IN WRITING, AT FIVE BUSINESS DAY INTERVALS UNTIL THE INVESTIGATION IS COMPLETE UNLESS THE SUBSCRIBER EXPRESSLY WAIVES THE RIGHT TO RECEIVE SUCH UPDATES.

- (D) THE LEC OR IXC MUST INFORM THE SUBSCRIBER, OR BOTH THE SUBSCRIBER AND THE COMMISSION, OF THE RESULTS OF THE INVESTIGATION, EITHER ORALLY OR IN WRITING. THE SUBSCRIBER, THE COMMISSION, OR BOTH MAY REQUEST THE FINAL REPORT TO BE IN WRITING. IF THE COMPANY PROVIDES THE RESULTS OF THE INVESTIGATION ORALLY TO THE SUBSCRIBER, IT MUST INFORM THE CUSTOMER OF THE RIGHT TO HAVE THIS FINAL REPORT IN WRITING.
- (E) UPON REQUEST, EACH LEC OR IXC SHALL PROVIDE COMMISSION STAFF WITH COPIES OF ITS PROCEDURES FOR PROCESSING CUSTOMER COMPLAINTS.

Case No.: 96-1175-TP-ORD
Replaces: 4901:1-5-36

Effective: July 7, 1997

Certification _____
Daisy L. Crockron, Acting Secretary

Date

Promulgated under R.C. Sec. 111.15
Authorized by R.C. Sec. 4905.231
Rule amplifies R.C. Sec. 4905.231
Prior effective date(s) 12/31/88, 10/17/77

4901:1-5-16 SUBSCRIBER BILLS.

(A) SUBSCRIBER BILLS FOR LOCAL AND TOLL SERVICES SHALL BE RENDERED AT REGULAR INTERVALS, AND PROVIDE THE FOLLOWING:

- (1) THE SUBSCRIBER'S NAME, ADDRESS (OR BILLING ADDRESS, IF DIFFERENT), TELEPHONE NUMBER, OR ACCOUNT NUMBER;
- (2) THE TELEPHONE NUMBER OF THE LEC OR IXC'S BUSINESS OFFICE TO BE CONTACTED CONCERNING THE BILL;
- (3) THE BEGINNING AND ENDING DATES OF THE BILLING PERIOD;
- (4) THE CURRENT MONTH'S BILLING;
- (5) ANY UNPAID AMOUNTS FROM PREVIOUS BILLS;
- (6) ANY LATE PAYMENT CHARGE;
- (7) ANY NONRECURRING, FRACTIONAL, OR NONBASIC SERVICE CHARGES;
- (8) ANY CHARGES FOR NONREGULATED SERVICES OR PRODUCTS AND A STATEMENT THAT NONPAYMENT OF SUCH CHARGES MAY RESULT IN THE DISCONNECTION OR RESTRICTION OF SUCH SERVICES AND SUCH DELINQUENCIES MAY BE SUBJECT TO COLLECTION ACTIONS;
- (9) ANY APPLICABLE TAXES;
- (10) ANY CREDITS AND CHARGES APPLIED TO THE ACCOUNT DURING THE CURRENT BILLING PERIOD;
- (11) THE TOTAL AMOUNT DUE AND PAYABLE;

- (12) A STATEMENT AS TO HOW AND WHERE THE BILL MAY BE PAID;
 - (13) AN EXPLANATION OF CODES AND ABBREVIATIONS USED; AND
 - (14) A STATEMENT THAT FOR UNRESOLVED INQUIRIES, THE SUBSCRIBER MAY WISH TO CALL THE PUBLIC UTILITIES COMMISSION OF OHIO. THIS STATEMENT SHALL INCLUDE THE THEN-CURRENT AND LOCAL TOLL-FREE TELEPHONE NUMBERS OF THE COMMISSION'S PUBLIC INTEREST CENTER AND TDD/TTY NUMBER.
- (B) A LISTING OF CURRENT CHARGES ON A SUBSCRIBER'S BILL FOR LOCAL SERVICE MUST INCLUDE AN ITEMIZATION OF ALL CHARGES, THE TYPE OF SERVICE, AND CALL CHARACTERISTICS. BASED ON THE SUBSCRIBER'S TYPE OF SERVICE, ONE OF THE FOLLOWING SHALL BE PROVIDED:
- (1) MONTHLY RATE FOR LOCAL FLAT-RATE SERVICE;
 - (2) BASE RATE, PLUS THE CHARGES RATED BY TIME-OF-DAY AND DISTANCE, ASSOCIATED WITH LOCAL CALLS COMPLETED UNDER LOCAL MEASURED SERVICE. UPON A SUBSCRIBER'S REQUEST, THE FOLLOWING INFORMATION SHALL BE PROVIDED FOR EACH CALL FREE OF CHARGE ONCE EVERY TWELVE MONTHS AND FOR ANY ADDITIONAL MONTHS SUCH ITEMIZATION SHALL BE PROVIDED IN ACCORDANCE WITH THE LEC'S TARIFFED CHARGES ON FILE AT THE COMMISSION:
 - (A) THE DATE AND TIME OF PLACEMENT;
 - (B) THE TELEPHONE NUMBER CALLED;
 - (C) THE DISTANCE;
 - (D) THE DURATION;
 - (E) THE RATE APPLIED; AND

- (F) THE TOTAL CHARGE PER CALL; OR
- (3) BASE RATE, THE NUMBER OF ADDITIONAL LOCAL MESSAGE CALLS COMPLETED OVER AND ABOVE THE CALLS INCLUDED IN THE BASE RATE, AND THE CHARGES FOR SUCH CALLS.
- (C) A LISTING OF CURRENT CHARGES ON A SUBSCRIBER'S BILL MUST INCLUDE ALL INTEREXCHANGE SERVICES OR TOLL CALLS WHICH ARE EITHER PROVIDED BY THE LEC OR FOR WHICH THE LEC ACTS AS THE BILLING AND COLLECTIONS AGENT.
- (D) THE DETAIL ON THE TOLL PORTION OF A CUSTOMER'S BILL SHALL INCLUDE:
 - (1) THE DATE AND TIME OF PLACEMENT;
 - (2) THE DESTINATION, INCLUDING CITY AND STATE;
 - (3) THE TELEPHONE NUMBER CALLED, INCLUDING AREA CODE;
 - (4) THE RATE APPLIED;
 - (5) THE DURATION; AND
 - (6) THE TOTAL CHARGE.
- (E) IMMEDIATELY FOLLOWING THE SECTION OF THE BILL WHICH INCLUDES TOLL CHARGES SHALL BE A STATEMENT THAT NONPAYMENT OF SUCH CHARGES MAY RESULT IN THE DISCONNECTION OF TOLL SERVICE AND MAY BE SUBJECT TO COLLECTION ACTIONS.
- (F) THE DETAILED CUSTOMER BILLING INFORMATION REQUIRED TO APPEAR ON THE SUBSCRIBER'S BILL SHALL BE RETAINED BY THE LEC OR IXC FOR AT LEAST EIGHTEEN MONTHS.

- (G) THE DATE AFTER WHICH THE BILL WILL BE CONSIDERED PAST DUE SHALL BE CLEARLY STATED.
- (H) AN ITEMIZED LISTING OF THE BASIC AND OPTIONAL SERVICES SUBSCRIBED TO, MONTHLY RATE OF EACH SERVICE, AND THE AMOUNT OF ANY SECURITY DEPOSIT BEING HELD BY THE COMPANY SHALL BE INCLUDED WITH EACH NEW SUBSCRIBER'S FIRST BILL, AND ANNUALLY FOR ALL RESIDENTIAL AND SINGLE ACCESS LINE SERVICE SUBSCRIBERS. MULTILINE NONRESIDENTIAL CUSTOMERS MAY ALSO REQUEST THIS INFORMATION ON AN ANNUAL BASIS, AND IT SHALL BE PROVIDED FREE OF CHARGE.

4901:1-5-19 DENIAL OR DISCONNECTION OF LOCAL EXCHANGE
AND INTEREXCHANGE SERVICE.

- (A) LOCAL SERVICE MAY ONLY BE DISCONNECTED FOR SUBSCRIBER NONPAYMENT OF CHARGES FOR LOCAL SERVICES FOR WHICH THE ASSOCIATED CHARGES ARE DIRECTLY REGULATED BY THE COMMISSION. FOR PURPOSES OF THIS RULE, LOCAL SERVICE IS DEFINED AS EVERY REGULATED SERVICE PROVIDED BY THE LEC OTHER THAN TOLL SERVICE AND EXCLUDING 900 AND 976-LIKE SERVICES.
- (B) TOLL SERVICE MAY BE DISCONNECTED FOR SUBSCRIBER NONPAYMENT OF TOLL SERVICE, SUBJECT TO THE FOLLOWING CONDITIONS:
 - (1) IXCS AND LECS WHICH ALSO PROVIDE TOLL SERVICE MUST ESTABLISH, IN TARIFFS WHICH ARE SUBJECT TO COMMISSION APPROVAL PRIOR TO BECOMING EFFECTIVE, TOLL DISCONNECTION PROCEDURES WHICH COMPORT WITH ALL APPLICABLE BILLING, NOTICE, CREDIT/DEPOSIT, AND DISCONNECTION STANDARDS SET FORTH IN THIS CHAPTER OF THE ADMINISTRATIVE CODE.
 - (2) NOTHING IN THIS RULE SHALL PRECLUDE A LEC, INCLUDING ONE WHICH ALSO PROVIDES TOLL SERVICE, FROM ENFORCING OR CARRYING OUT THE COMMISSION-APPROVED, TARIFFED DISCONNECTION PROCEDURES OF A SEPARATE PROVIDER, OF TOLL SERVICES SO LONG AS THE LEC IS AUTHORIZED TO DO SO PURSUANT TO A CONTRACT ENTERED INTO BETWEEN THE LEC AND THE SEPARATE TOLL SERVICE PROVIDER WHICH CONTRACT IS SUBJECT TO COMMISSION APPROVAL.
 - (3) ONCE A LEC HAS IMPLEMENTED "1 PLUS" EQUAL ACCESS IT SHALL NOT BE PERMITTED TO BLOCK ACCESS TO ANY IXC FOR THE NONPAYMENT OF TOLL CHARGES, OWED TO ANY PARTICULAR IXC OR GROUP OF IXCS, OTHER THAN THE IXC TO WHOM THE DEBT IS

OWED (INCLUDING THE LEC WHO IS ALSO PROVIDING TOLL SERVICE).

- (C) FOR PURPOSES OF DISCONNECTION, PARTIAL PAYMENTS MUST BE APPORTIONED TO REGULATED LOCAL SERVICE CHARGES FIRST BEFORE BEING APPLIED BY A LEC TO ANY TOLL CHARGES.
- (D) A LEC OR IXC MUST NOTIFY, OR ATTEMPT TO NOTIFY, A SUBSCRIBER BEFORE SERVICE IS REFUSED OR DISCONNECTED WHEN ANY OF THE FOLLOWING CONDITIONS EXIST:
 - (1) A VIOLATION OF OR NONCOMPLIANCE WITH THE COMMISSION'S THEN-CURRENT REGULATIONS GOVERNING SERVICE SUPPLIED BY LECS AND IXCS;
 - (2) A VIOLATION OF OR NONCOMPLIANCE WITH THE LEC OR IXC'S RULES OR TARIFFS ON FILE WITH THE COMMISSION;
 - (3) A FAILURE TO COMPLY WITH MUNICIPAL ORDINANCES OR OTHER LAWS PERTAINING TO TELECOMMUNICATIONS SERVICES; OR
 - (4) A REFUSAL BY THE SUBSCRIBER TO PERMIT THE LEC NECESSARY ACCESS TO ITS FACILITIES OR EQUIPMENT.
- (E) A LEC OR IXC MUST NOTIFY OR ATTEMPT TO NOTIFY, THE SUBSCRIBER BEFORE SERVICE IS DISCONNECTED WHEN THE SUBSCRIBER HAS COMMITTED A FRAUDULENT PRACTICE AS SET FORTH AND DEFINED IN ITS TARIFFS ON FILE WITH THE COMMISSION.
- (F) THE LEC OR IXC MAY NOT DISCONNECT THE LOCAL EXCHANGE OR INTEREXCHANGE SERVICE OF A SUBSCRIBER WHO PAYS THE COMPANY THE TOTAL AMOUNT DUE (OR AN AMOUNT AGREED UPON BETWEEN THE COMPANY AND THE SUBSCRIBER TO PREVENT DISCONNECTION) ON HIS/HER ACCOUNT BY THE CLOSE OF BUSINESS ON THE DISCONNECTION DATE LISTED ON THE

DISCONNECTION NOTICE. (THIS RULE AMPLIFIES SECTION 4905.75 OF THE REVISED CODE).

(G) NO NOTICE IS REQUIRED IN ANY OF THE FOLLOWING INSTANCES:

- (1) WHEN AN EMERGENCY MAY THREATEN THE HEALTH OR SAFETY OF A PERSON, OR THE LEC'S DISTRIBUTION SYSTEM. IF SERVICE IS DISCONNECTED, THE COMPANY SHALL ACT PROMPTLY TO ASSURE RESTORATION OF SERVICE AS SOON AS POSSIBLE. SERVICE SHALL BE RESTORED TO A RESIDENCE BEFORE IT MAY BE DISCONNECTED FOR ANY OTHER REASON;
- (2) IN THE EVENT OF A SUBSCRIBER'S USE OF TELECOMMUNICATIONS EQUIPMENT IN SUCH A MANNER AS TO ADVERSELY AFFECT THE COMPANY'S EQUIPMENT, ITS SERVICE TO OTHERS, OR THE SAFETY OF THE COMPANY'S EMPLOYEES OR SUBSCRIBERS; OR
- (3) IN THE EVENT OF TAMPERING WITH ANY FACILITIES OR EQUIPMENT FURNISHED AND OWNED BY THE LEC OR IXC.

(H) MEDICAL CERTIFICATION PROCEDURES.

IF A SUBSCRIBER OR A MEMBER OF THE SUBSCRIBER'S HOUSEHOLD DEMONSTRATES THAT DISCONNECTION OF SERVICE WOULD BE ESPECIALLY DANGEROUS TO HIS/HER HEALTH, THE LEC MUST CONSIDER THIS CIRCUMSTANCE WHEN OFFERING EXTENDED PAYMENT ARRANGEMENTS TO AVOID DISCONNECTION. PAYMENT ARRANGEMENTS SHALL BE OFFERED REGARDLESS OF THE CREDIT CLASS OF THE SUBSCRIBER.

(I) LOCAL EXCHANGE SERVICE MAY NOT BE REFUSED OR DISCONNECTED TO ANY APPLICANT OR SUBSCRIBER FOR ANY OF THE FOLLOWING REASONS:

- (1) FAILURE TO PAY FOR SERVICE FURNISHED TO A FORMER SUBSCRIBER WHO PREVIOUSLY SUBSCRIBED

TO SERVICE UNLESS THE FORMER SUBSCRIBER AND THE NEW APPLICANT FOR SERVICE CONTINUE TO BE MEMBERS OF THE SAME HOUSEHOLD;

- (2) FAILURE TO PAY FOR A DIFFERENT CLASS OF SERVICE. RESIDENTIAL SERVICE MAY NOT BE DENIED OR DISCONNECTED FOR NONPAYMENT OF A NONRESIDENTIAL ACCOUNT AND VICE VERSA;
 - (3) FAILURE TO PAY ANY AMOUNT WHICH IS IN BONA FIDE DISPUTE. THE COMPANY MAY NOT DISCONNECT SERVICE IF THE SUBSCRIBER PAYS EITHER THE UNDISPUTED PORTION OF THE BILL OR THE AMOUNT PAID FOR THE SAME BILLING PERIOD IN THE PREVIOUS YEAR; OR
 - (4) FAILURE TO PAY DIRECTORY ADVERTISING CHARGES OR ANY OTHER NONREGULATED SERVICE CHARGES.
- (J) VOLUNTARY THIRD PARTY NOTICE PRIOR TO DISCONNECTION OF SERVICE.
- (1) EACH LEC AND IXC SHALL PERMIT A RESIDENTIAL SUBSCRIBER TO DESIGNATE A THIRD PARTY TO RECEIVE NOTICE OF THE PENDING DISCONNECTION OF THE SUBSCRIBER'S LOCAL EXCHANGE OR INTEREXCHANGE SERVICE OR OF ANY OTHER CREDIT NOTICES SENT TO THE SUBSCRIBER.
 - (2) THE LEC AND IXC SHALL INFORM THE THIRD PARTY THAT HIS/HER CONSENT TO RECEIVE SUCH NOTICES DOES NOT CONSTITUTE ACCEPTANCE OF ANY LIABILITY BY THE THIRD PARTY FOR PAYMENT FOR SERVICE PROVIDED TO THE SUBSCRIBER.
- (K) PAYMENT SCHEDULE AND DISCONNECTION PROCEDURES FOR NONPAYMENT.
- (1) A SUBSCRIBER'S BILL SHALL NOT BE DUE EARLIER THAN FOURTEEN DAYS FROM THE DATE OF THE

POSTMARK ON THE BILL. IF THE BILL IS NOT PAID BY THE DUE DATE, IT THEN BECOMES PAST DUE.

- (2) SHOULD THE LEC OR IXC DECIDE TO PURSUE DISCONNECTION PROCEDURES FOR NONPAYMENT, THE COMPANY SHALL NOT DISCONNECT THE SERVICE:
 - (A) SOONER THAN FOURTEEN DAYS AFTER THE DUE DATE OF THE BILL; AND
 - (B) WITHOUT SENDING A WRITTEN NOTICE OF DISCONNECTION, WHICH MUST BE POSTMARKED AT LEAST SEVEN DAYS PRIOR TO THE DATE OF DISCONNECTION OF SERVICE.
- (3) A NOTICE OF DISCONNECTION SHALL CLEARLY STATE THE FOLLOWING:
 - (A) A STATEMENT THAT FAILURE TO PAY THE AMOUNT REQUIRED AT THE COMPANY'S OFFICE OR TO ONE OF ITS AUTHORIZED AGENTS BY THE DATE SPECIFIED ON THE NOTICE MAY RESULT IN THE DISCONNECTION OF LOCAL OR TOLL OR OPTIONAL SERVICES;
 - (B) THE EARLIEST DATE WHEN DISCONNECTION WILL OCCUR;
 - (C) THE REASON(S) FOR DISCONNECTION AND ANY ACTIONS WHICH THE SUBSCRIBER MUST TAKE IN ORDER TO AVOID THE DISCONNECTION, INCLUDING THE TOTAL AMOUNT REQUIRED TO BE PAID (WHICH SHALL NOT BE GREATER THAN THE PAST DUE BALANCE);
 - (D) THE TOTAL AMOUNT DUE TO AVOID DISCONNECTION OF LOCAL EXCHANGE SERVICE AS DEFINED IN PARAGRAPH (A) OF THIS RULE;
 - (E) THE TOTAL AMOUNT DUE FOR TOLL CHARGES AND A STATEMENT THAT NONPAYMENT OF TOLL

CHARGES MAY RESULT IN THE DISCONNECTION OF TOLL SERVICE;

- (F) THE TOTAL AMOUNT DUE FOR NONREGULATED CHARGES AND A STATEMENT THAT NONPAYMENT OF SUCH CHARGES CANNOT RESULT IN THE DISCONNECTION OF BASIC LOCAL SERVICE OR REGULATED TOLL SERVICE;
 - (G) THE ADDRESS AND TELEPHONE NUMBER OF THE OFFICE OF THE LEC OR IXC THAT THE SUBSCRIBER MAY CONTACT IN REFERENCE TO HIS/HER ACCOUNT;
 - (H) A STATEMENT THAT THE COMMISSION STAFF IS AVAILABLE TO RENDER ASSISTANCE WITH UNRESOLVED COMPLAINTS, AND THE THEN-CURRENT ADDRESS AND LOCAL/TOLL-FREE TELEPHONE NUMBERS AND TDD/TTY NUMBERS OF THE COMMISSION'S PUBLIC INTEREST CENTER; AND
 - (I) A STATEMENT THAT AN ADDITIONAL CHARGE FOR RECONNECTION MAY APPLY IF SERVICE IS DISCONNECTED. THE STATEMENT SHALL ALSO INCLUDE A NOTICE THAT PAYMENTS TO AN UNAUTHORIZED PAYMENT AGENT MAY RESULT IN THE UNTIMELY OR IMPROPER CREDITING OF THE SUBSCRIBER'S ACCOUNT.
- (5) A LEC AND IXC COMPLYING WITH THE CONDITIONS SET FORTH IN THIS RULE MAY DISCONNECT SERVICE DURING ITS NORMAL BUSINESS HOURS; HOWEVER, NO DISCONNECTION FOR PAST DUE BILLS MAY BE MADE AFTER TWELVE-THIRTY P.M. ON THE DAY PRECEDING A DAY THAT ALL SERVICES NECESSARY FOR RECONNECTION ARE NOT REGULARLY PERFORMED OR AVAILABLE.

(L) RECONNECTION OF LOCAL EXCHANGE AND INTEREXCHANGE SERVICE.

- (1) UNLESS PREVENTED BY CIRCUMSTANCES BEYOND THE COMPANY'S CONTROL OR UNLESS A SUBSCRIBER REQUESTS OTHERWISE, A LEC AND IXC SHALL RECONNECT PREVIOUSLY DISCONNECTED SERVICE BY FIVE P.M. ON THE NEXT BUSINESS DAY FOLLOWING EITHER:
 - (A) RECEIPT BY THE COMPANY OR ITS AUTHORIZED AGENT, OF THE FULL AMOUNT IN ARREARS FOR WHICH SERVICE WAS DISCONNECTED, OR UPON VERIFICATION BY THE COMPANY THAT CONDITIONS WHICH WARRANTED DISCONNECTION OF SERVICE HAVE BEEN ELIMINATED; OR
 - (B) AGREEMENT BY THE COMPANY AND THE SUBSCRIBER ON A DEFERRED PAYMENT PLAN AND A PAYMENT, IF REQUIRED, UNDER THE PLAN.
- (2) BEFORE RESTORING SERVICE UNDER THIS RULE, A LEC AND IXC MAY NOT INSIST UPON PAYMENT OF ANY NEW BILL THAT IS NOT PAST DUE IF THAT BILL DID NOT ITSELF PROVIDE THE BASIS FOR DISCONNECTION.
- (3) PAYMENT RECEIVED BY AN AUTHORIZED AGENT OF THE COMPANY SHALL BE TREATED IN THE SAME MANNER AS PAYMENT MADE DIRECTLY TO THE COMPANY.

4901:1-5-24 MINIMUM SERVICE, QUALITY AND ADEQUACY OF
SERVICE LEVELS FOR LOCAL EXCHANGE
COMPANIES.

(A) THIS RULE ESTABLISHES, AMONG OTHER THINGS, OBJECTIVES FOR MINIMUM LEVELS OF SERVICE TO BE PROVIDED BY EACH LEC. THE COMPANY SHALL INVESTIGATE AND TAKE APPROPRIATE ACTION TO CORRECT ANY INSTANCES OF NONCOMPLIANCE WITH THIS RULE. FURTHERMORE, EACH LEC SHALL DEVELOP AND MAINTAIN RECORDS REGARDING ITS COMPLIANCE WITH THIS RULE AND RULE 4901:1-5-18 OF THE ADMINISTRATIVE CODE. SUCH RECORDS SHALL BE ADEQUATE TO:

- (1) SUPPORT AN AUDIT OF THE LEC's COMPLIANCE WITH THE PROVISIONS OF SUCH RULES;
- (2) MEASURE THE EXTENT AND SEVERITY OF ANY NON-COMPLIANCE;
- (3) SUBSTANTIATE THE APPLICATION OF ANY EXCEPTIONS; AND
- (4) SUPPORT ANY INVESTIGATIONS OF SUBSCRIBER COMPLAINTS.

EACH LEC SHALL, UPON REQUEST, PROVIDE SUCH RECORDS TO THE COMMISSION OR ITS REPRESENTATIVES. SUCH RECORDS SHALL BE RETAINED FOR NOT LESS THAN EIGHTEEN MONTHS.

(B) REPAIR.

- (1) EACH LEC SHALL PROVIDE FOR THE RECEIPT OF SUBSCRIBER "TROUBLE REPORTS" TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK, AND UPON COMMISSION REQUEST MAKE THOROUGH INVESTIGATIONS OF ANY SUCH REPORTS WITHIN THREE BUSINESS DAYS OF RECEIVING THE REPORT REGARDLESS OF THE NATURE OF THE TROUBLE.

TROUBLE REPORTS SHALL BE CLASSIFIED AS EITHER SERVICE INTERRUPTING (OUT-OF-SERVICE) OR SERVICE AFFECTING. A SERVICE INTERRUPTION REPORT SHALL NOT BE DOWNGRADED TO A SERVICE AFFECTING REPORT. HOWEVER, A SERVICE AFFECTING REPORT SHALL BE UPGRADED TO A SERVICE INTERRUPTION IF CHANGING TROUBLE CONDITIONS SO INDICATE. ALSO, IF THE COMPANY FINDS THAT IT IS THE SUBSCRIBER'S RESPONSIBILITY TO CORRECT THE PROBLEM, IT MUST NOTIFY OR ATTEMPT TO NOTIFY THE SUBSCRIBER WITHIN TWENTY-FOUR HOURS AFTER THE TROUBLE WAS REPORTED.

- (2) AS MEASURED ON A CALENDAR MONTHLY BASIS, A LEC'S TROUBLE REPORT RATE FOR REGULATED SERVICE SHALL NOT EXCEED THREE REPORTS PER ONE HUNDRED ASSIGNED ACCESS LINES. THIS MEASUREMENT SHALL EXCLUDE SUBSEQUENT REPORTS AND REPORTS RELATING TO NON-REGULATED SERVICE. THE LEC SHALL BE PREPARED TO EXPLAIN THE CAUSES FOR ANY MONTHLY TROUBLE REPORT RATE EXCEEDING THE STANDARD AND DESCRIBE ANY CORRECTIVE ACTION.
- (3) COMPANIES ARE NOT REQUIRED TO PROVIDE NON-EMERGENCY REPAIR SERVICE ON SUNDAYS AND HOLIDAYS. WHERE ANY REPAIR INTERVAL INVOLVES A SUNDAY OR HOLIDAY, THAT PERIOD SHALL BE EXCLUDED WHEN COMPUTING SERVICE OBJECTIVES, BUT NOT WHEN COMPUTING CREDITS OR REFUNDS FOR OUT-OF-SERVICE CONDITIONS.
- (4) EACH LEC SHALL TAKE APPROPRIATE STEPS TO MINIMIZE THE OCCURRENCE OF REPEAT TROUBLE REPORTS. A REPEAT TROUBLE REPORT IS ANY REPORT MADE WITHIN THIRTY DAYS AFTER THE CLOSING OF ANOTHER TROUBLE REPORT INVOLVING THE SAME ACCESS LINE.

- (5) PROVISIONS SHALL BE MADE TO CLEAR, AT ALL HOURS, ANY "OUT-OF-SERVICE" TROUBLE OF AN EMERGENCY NATURE CONSISTENT WITH THE NEEDS OF SUBSCRIBERS AND PERSONAL SAFETY OF LEC PERSONNEL. EACH LEC SHALL DEVELOP POLICIES AND PROCEDURES REGARDING THOSE SUBSCRIBERS WHO REQUIRE PRIORITY TREATMENT FOR OUT-OF-SERVICE CLEARANCE. SUCH PROCEDURES SHALL INCLUDE A TABLE OF RESTORATION PRIORITY, INCLUDING BUT NOT LIMITED TO, SUBSCRIBERS SUCH AS POLICE AND FIRE STATIONS, HOSPITALS, KEY MEDICAL PERSONNEL, SUBSCRIBERS WITH MEDICAL OR LIFE-THREATENING CONDITIONS, AND OTHER UTILITIES WHETHER OR NOT REGULATED BY THE COMMISSION.
- (6) OUT-OF-SERVICE TROUBLE REPORTS SHALL BE CLEARED WITHIN TWENTY-FOUR HOURS, EXCLUDING SUNDAYS AND HOLIDAYS, FOLLOWING RECEIPT OF THE REPORT. APPLICABLE CREDITS FOR OUT-OF-SERVICE CONDITIONS SHALL BE APPLIED TO SUBSCRIBER BILLS IN ACCORDANCE WITH RULES 4901:1-5-18(A) AND 4901:1-5-18(B) OF THE ADMINISTRATIVE CODE.
- (7) SERVICE AFFECTING TROUBLE SHALL BE CLEARED WITHIN SEVENTY-TWO HOURS OF RECEIPT OF THE TROUBLE REPORT.
- (8) ALL REPAIR COMMITMENTS AND APPOINTMENTS SHALL BE KEPT. THESE COMMITMENTS AND APPOINTMENTS SHALL SPECIFY MORNING OR AFTERNOON FOR THE SCHEDULED REPAIR. WHENEVER, FOR ANY REASON, THE REPAIR APPOINTMENT OR COMMITMENT CANNOT BE MET WITHIN THE PRESCRIBED INTERVAL, THE COMPANY SHALL MAKE REASONABLE EFFORTS TO NOTIFY THE APPLICANT OF THE DELAY AND THE REASON THEREFORE PRIOR TO THE TIME OF THE SCHEDULED APPOINTMENT OR COMMITMENT. APPLICABLE CREDITS FOR MISSED REPAIR APPOINTMENTS AND

COMMITMENTS SHALL BE APPLIED TO SUBSCRIBER BILLS IN ACCORDANCE WITH RULE 4901:1-5-18 (D)(2) OF THE ADMINISTRATIVE CODE.

(C) LOCAL SERVICE INSTALLATION.

- (1) UNLESS THE CUSTOMER REQUESTS A LATER INSTALLATION TIME EACH LEC SHALL COMPLETE THE INSTALLATION OF ACCESS LINE SERVICE WITHIN FIVE BUSINESS DAYS AFTER RECEIPT OF APPLICATION WHEN ALL PERTINENT TARIFF REQUIREMENTS HAVE BEEN MET BY THE APPLICANT OR SUBSCRIBER. IN THOSE INSTANCES WHERE AN APPLICANT OR SUBSCRIBER PROVIDES AT LEAST FIVE BUSINESS DAYS NOTICE, SUCH INSTALLATION SHALL BE MADE ON THE REQUESTED DATE. APPLICABLE CREDITS FOR FAILURE TO INSTALL NEW SERVICE WITHIN FIVE BUSINESS DAYS SHALL BE APPLIED TO SUBSCRIBER BILLS IN ACCORDANCE WITH RULE 4901:1-5-18(C) OF THE ADMINISTRATIVE CODE. FURTHERMORE, IF INITIAL SERVICE IS NOT INSTALLED WITHIN FIFTEEN BUSINESS DAYS, THE COMPANY SHALL ATTEMPT TO PROVIDE SOME FORM OF ALTERNATIVE SERVICE.
- (2) IF NECESSARY EACH LEC SHALL MAKE APPOINTMENTS FOR THE ON-PREMISE INSTALLATION. SUCH APPOINTMENTS SHALL SPECIFY THE DATE AND APPROXIMATE TIME OF DAY, EITHER A.M. OR P.M., FOR THE ON-PREMISES INSTALLATION. WHENEVER, FOR ANY REASON, THE SERVICE INSTALLATION CANNOT BE MADE AT THE APPOINTED TIME OR WITHIN THE PRESCRIBED INTERVAL, THE APPLICANT SHALL BE NOTIFIED PROMPTLY OF THE DELAY AND THE REASON THEREFORE, AND THE PROBABLE DATE INSTALLATION OF SERVICE CAN BE COMPLETED. EACH LEC SHALL KEEP ALL OF ITS APPOINTMENTS FOR ON-PREMISE INSTALLATIONS. APPLICABLE CREDITS FOR MISSED INSTALLATION APPOINTMENTS WILL BE APPLIED TO SUBSCRIBER BILLS IN

ACCORDANCE WITH RULE 4901:1-5-18(D)(1) OF THE ADMINISTRATIVE CODE.

(3) REGRADE OF SERVICE.

EACH LEC SHALL COMPLETE ALL REGRADES FROM MULTI-PARTY TO SINGLE-PARTY SERVICE WITHIN THIRTY DAYS AFTER RECEIPT OF APPLICATION. IF THE SUBSCRIBER-PROVIDES NOTICE OF THIRTY DAYS OR MORE, THE REGRADE SHALL BE COMPLETED BY THE REQUESTED DATE.

(D) ANSWER TIME.

(1) ON A CALENDAR MONTHLY BASIS AND AS MEASURED COMPANY-WIDE, CALLS TO THE LEC SHALL MEET THE FOLLOWING REQUIREMENTS:

(A) THE AVERAGE SPEED OF ANSWER FOR CALLS OFFERED TO THE LEC'S OPERATOR SHALL NOT EXCEED TWENTY SECONDS;

(B) THE AVERAGE SPEED OF ANSWER FOR CALLS OFFERED TO THE LEC'S DIRECTORY ASSISTANCE SHALL NOT EXCEED TWENTY SECONDS;

(C) THE AVERAGE SPEED OF ANSWER FOR CALLS PLACED TO THE REPAIR SERVICE CENTER SHALL NOT EXCEED SIXTY SECONDS; AND

(D) THE AVERAGE SPEED OF ANSWER FOR CALLS PLACED TO THE BUSINESS OFFICE SHALL NOT EXCEED SIXTY SECONDS.

(2) NOTWITHSTANDING PARAGRAPHS (D)(1)(C) AND (D)(1)(D) OF THIS RULE, WHEN A COMPANY UTILIZES A MENU DRIVEN, AUTOMATED, INTERACTIVE ANSWERING SYSTEM (REFERRED TO AS THE SYSTEM), THE OPTION OF TRANSFERRING TO A LIVE ATTENDANT SHALL BE INCLUDED IN THE INITIAL MESSAGE. AT ANY TIME DURING THE CALL, THE

CUSTOMER SHALL BE TRANSFERRED TO A LIVE ATTENDANT IF THE CUSTOMER FAILS TO INTERACT WITH THE SYSTEM FOR A TIME PERIOD OF TEN SECONDS FOLLOWING ANY PROMPT. FOR THE PURPOSE OF THIS SECTION, INTERACTION MEANS RESPONDING TO A CUSTOMER PROMPT OFFERED BY THE SYSTEM BY KEYING (PRESSING) A NUMBER OR CHARACTER OF AN ACTIVATED TOUCH-TONE KEYPAD.

- (3) IN ACCORDANCE WITH PARAGRAPH (D)(2) OF THIS RULE, WHEN A MENU DRIVEN, AUTOMATED, INTERACTIVE ANSWERING SYSTEM IS UTILIZED, PROVISIONS SHALL BE INCLUDED TO ALLOW THE CUSTOMER TO ARRANGE WITH A LIVE ATTENDANT, OR WITH THE SYSTEM, ANY APPOINTMENT OR COMMITMENT OFFERED TO THE CUSTOMER BY THE SYSTEM. THE SUBSCRIBER SHALL ALSO BE ABLE TO REARRANGE APPOINTMENTS USING THE SYSTEM.
- (4) ANSWER TIME SHALL BE MEASURED FROM THE POINT OF THE FIRST RING AT THE LEC'S BUSINESS OFFICE OR REPAIR OFFICE.
- (5) THE TERMS "ANSWERED" AS USED IN SECTIONS (1) AND (D)(2) OF THIS RULE SHALL BE CONSTRUED TO MEAN MORE THAN AN ACKNOWLEDGMENT THAT THE CUSTOMER IS WAITING ON THE LINE. IT SHALL MEAN THAT THE OPERATOR, SERVICE REPRESENTATIVE, OR AUTOMATED SYSTEM IS READY TO RENDER ASSISTANCE AND/OR ACCEPT THE INFORMATION NECESSARY TO PROCESS THE CALL.
- (E) THIS RULE WILL BE APPLICABLE TO ILECS ON OCTOBER 1, 1997 AND TO NECS ON JANUARY 1, 1998.